

**IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a
Delaware Corporation; JEHANE
NOUJAIME, an individual; KARIM AMER,
an individual; THE OTHRS, LLC, a Florida
limited liability company; THE OTHRS
LICENSING CORP., a Florida corporation;
THE SQUARE, LLC, a New York limited
liability company; ISABELLA
CONSTANTINO, an individual; JOHN
DOES 1–10,

Defendants.

Case No. 2322-CC09423

NOTICE TO CLERK OF REMOVAL

To: Clerk for the Circuit Court for the City of St. Louis, State of Missouri

Pursuant to Title 28 United States Code §§ 1332, 1441, and 1446, a Notice of Removal, a copy of which is attached hereto, was filed by Defendant Home Box Office, Inc. (incorrectly sued as “HBO Home Entertainment Corp.”), with consent of all other Defendants who have been served with process, namely, The Othrs Licensing Corp., The Othrs LLC, The Square LLC, Karim Amer, Jehane Noujaim (incorrectly sued as “Jehane Noujaime”), and Isabella Constantino, in the United States District Court of the Eastern District of Missouri, Eastern Division, on the 15th Day of December, 2023.

Exhibit

1

Respectfully submitted,

Dated: December 15, 2023

By: /s/Joseph E. Martineau

Joseph E. Martineau, #32397MO

Kolten C. Ellis, #74451MO

LEWIS RICE LLC

600 Washington Avenue, Suite 2500

St. Louis, Missouri 63101

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jmartineau@lewisrice.com

kellis@lewisrice.com

Attorneys for Home Box Office, Inc.

CERTIFICATE OF SERVICE AND
CERTIFICATE OF COMPLIANCE WITH RULE 55.03(A)

The undersigned certifies that under Rule 55.03(a) of the Missouri Rules of Civil Procedure that he has signed the original of this Certificate and the foregoing pleading. I hereby certify that, on December 15, 2023, a copy of the **Notice of Removal** was served via the Court's electronic filing system on the following party:

Marc Elliot
5655 Pershing Ave, Apt. 529
St. Louis, MO 63112
Telephone: (314) 252-0579
marc@marcelliot.com

Plaintiff, pro se

/s/ Joseph E. Martineau

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP., a
Delaware Corporation; JEHANE
NOUJAIME, an individual; KARIM AMER,
an individual; THE OTHRS, LLC, a Florida
limited liability company; THE OTHRS
LICENSING CORP., a Florida corporation;
THE SQUARE, LLC, a New York limited
liability company; ISABELLA
CONSTANTINO, an individual; JOHN
DOES 1–10,

Defendants.

Case No. 4:23-cv-1611

State Court Case No. 2322-CC09423

NOTICE OF REMOVAL

Defendant Home Box Office, Inc. (“HBO,” incorrectly sued as “HBO Home Entertainment Corp.”), with consent of all other Defendants who have been served with process, namely, The Othrs Licensing Corp., The Othrs, LLC, The Square, LLC, Karim Amer, Jehane Noujaim (incorrectly sued as “Jehane Noujaime”), and Isabella Constantino (collectively, “Co-Defendants”), by and through undersigned counsel, hereby removes the above-styled case from the Circuit Court for the City of St. Louis, Missouri, Case No. 2322-CC09423, to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. §§ 1332(a), 1441(b), and 1446. This case is being removed to this Court because, based on the allegations Plaintiff Marc Elliot asserts in this action, there is complete diversity of citizenship

between the parties and more than \$75,000 in controversy (exclusive of interest and costs). As grounds for removal, HBO states as follows:

INTRODUCTION

1. On October 31, 2023, Plaintiff filed a two-count Complaint against HBO and Co-Defendants, along with ten unnamed John Doe defendants, for (1) violating his rights of privacy and publicity under Missouri and New York law; and (2) civil conspiracy under Missouri law. This lawsuit is currently pending in the Circuit Court for the City of St. Louis, State of Missouri, as Case No. 2322-CC09423.

2. This lawsuit arises out of Episode 3, Season 2 of a documentary series called *The Vow*, which contains a recording of a call between Plaintiff and Defendant Isabella Constantino. (See Complaint, ¶¶ 25, 41–47). Plaintiff alleges that the call was recorded and used in *The Vow* without his consent. (*Id.*)

3. The state court issued summonses on November 2, 2023. HBO was the first defendant served; it received service on November 15, 2023.

4. As set forth more fully below, this action is one that HBO may remove to this Court under 28 U.S.C. § 1441(b). HBO has complied with the procedural requirements of 28 U.S.C. § 1446, and this Court would have original jurisdiction over the action under 28 U.S.C. § 1332(a) because complete diversity exists and the amount in controversy exceeds \$75,000.

TIMELINESS OF REMOVAL

5. HBO was served on November 15, 2023, triggering a thirty-day removal period. See *Harris v. Monumental Life Ins. Co.*, 2006 WL 1663510, at *3 (E.D. Mo. 2006). Therefore, the thirty-day period expires on December 15, 2023.

6. No named defendant has filed any responsive pleadings in the Circuit Court for the City of St. Louis, State of Missouri prior to filing this Notice of Removal.

7. The action is thus timely removed pursuant to 28 U.S.C. § 1446(b)(1).

CONSENT TO REMOVAL

8. All served defendants have joined in or consented to the removal of this action. *Id.* § 1446(b)(2). Only defendants Noujaim and Amer have not been served.

COMPLIANCE WITH REMOVAL PROCEDURES

9. Pursuant to 28 U.S.C. § 1446(d) and E.D. Mo. Rules 2.02 and 2.03, copies of the following are attached to this Notice of Removal:

- a. The complete file from the State Court, all summons and return of summons (if any), process, pleadings, and orders served upon HBO in the case, is attached hereto as Exhibit A.
 - b. The Original Filing Form is attached hereto as Exhibit B.
 - c. The Civil Cover Sheet is attached hereto as Exhibit C.
10. The Disclosure Statement will be filed promptly as required by E.D. Mo. Loc. Rs. 2.02, 2.09.

GROUND FOR REMOVAL BASED ON DIVERSITY

11. Under 28 U.S.C. § 1441(a), “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.”

12. Removal based on diversity jurisdiction is proper where: (1) the action is between citizens of different states; and (2) the amount in controversy exceeds \$75,000 exclusive of interest and costs. 28 U.S.C. §§ 1332(a), 1441(b).

13. Removal of this action is proper under 28 U.S.C. §§ 1441(a) and 1332(a) because complete diversity of citizenship exists between Plaintiff and all Defendants and the amount in controversy in this matter exceeds \$75,000, exclusive of interest and costs.

14. Plaintiff is a citizen of Missouri. (Complaint ¶ 2.)

15. Defendant Home Box Office, Inc. is a citizen of the State of Delaware, where it is incorporated, and of the State of New York, where its principal place of business is located. 28 U.S.C. § 1332(c).

16. Co-Defendants' citizenship is as follows:

- (a) Defendant The Othrs Licensing Corp. is citizen of the State of Florida, where it is incorporated, and of the State of New York, where its principal place of business is located. 28 U.S.C. § 1332(c).
- (b) Defendant Karim Amer is a citizen of the State of New York. He does not reside in the State of Missouri.
- (c) Defendant Jehane Noujaim is citizen of the State of New York. She does not reside in the State of Missouri.
- (d) Defendant The Othrs, LLC, is a limited liability company whose sole members are Defendants Amer and Noujaim. It is thus a citizen of the State of New York. *See OnePoint Sols., LLC v. Borchert*, 486 F.3d 342, 346 (8th Cir. 2007) ("An LLC's citizenship, for purposes of diversity jurisdiction, is the citizenship of each of its members.")
- (e) Defendant The Square, LLC is a limited liability whose sole member is Noujaim Films, Inc., a New York corporation whose principal place of business is in New York. It is thus a citizen of the State of New York. *See id.*
- (f) Defendant Isabella Constantino is a citizen of the State of New York. She does not reside in the State of Missouri.
- (g) Defendants John Does 1–10, as parties with fictitious names, may be disregarded in assessing diversity. 28 U.S.C. § 1441(b)(1).

17. Complete diversity thus exists under 28 U.S.C. § 1332(a) because “no defendant holds citizenship in the same state where any plaintiff holds citizenship.” *OnePoint Sols.*, 486 F.3d at 346; *see also* 28 U.S.C. § 1332(a)(1).

18. The Complaint seeks damages “in excess of \$75,000.” (Compl. at 11, wherefore cl. 2). As such, the amount in controversy thus exceeds \$75,000. *See* 28 U.S.C. § 1446(c)(2) (“If removal of a civil action is sought on the basis of the jurisdiction conferred by section 1332(a), the sum demanded in good faith in the initial pleading shall be deemed to be the amount in controversy . . .”).

FILING OF REMOVAL PAPERS

19. Pursuant to 28 U.S.C. § 1446(d) and E.D. Mo. Loc. R. 2.03, written notice of removal of this case is being given simultaneously to Plaintiff, and a Notice of Filing Notice of Removal is being filed with the State Court. HBO will promptly file proof of filing a notice with the Clerk of the state court and proof of service on all adverse parties.

CONCLUSION

Plaintiff is a citizen of Missouri, and no defendant is also a citizen of Missouri. Moreover, the amount in controversy exceeds \$75,000, exclusive of costs and interests, and, therefore, HBO. has met its burden to show that removal is proper.

WHEREFORE, Defendant Home Box Office, Inc. removes this case to the United States District Court for the Eastern District of Missouri, respectfully requests that no further proceedings be had in the Circuit Court for the City of St. Louis, State of Missouri, and prays for such other and further relief as the Court deems just and proper.

Respectfully submitted,

Dated: December 15, 2023

By: /s/ Joseph E. Martineau

Joseph E. Martineau, #32397MO

Kolten C. Ellis, #74451MO

LEWIS RICE LLC

600 Washington Avenue, Suite 2500

St. Louis, Missouri 63101

Telephone: (314) 444-7600

Facsimile: (314) 612-2042

jmartineau@lewisrice.com

kellis@lewisrice.com

Attorneys for Home Box Office, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that on this 15th day of December, 2023, a true copy hereof was served via electronic mail and U.S. mail, first-class postage prepaid, on the following:

Marc Elliot
5655 Pershing Ave, Apt. 529
St. Louis, MO 63112
Telephone: (314) 252-0579
marc@marcelliot.com

Plaintiff, pro se

/s/ Joseph E. Martineau

[Click here to Respond to Selected Documents](#)

Sort Date Entries: Descending Ascending

Display Options: All Entries

12/12/2023

Corporation Served

Document ID - 23-SMOS-4507; Served To - THE SQUARE LLC; Server - ; Served Date - 06-DEC-23; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

Affidavit Special Process Serv

affidavit of service

12/04/2023

Return Service - Other

Document ID - 23-SMOS-4131; Served To - THE SQUARE LLC; Server - ; Served Date - 04-DEC-23; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Other

Summons Returned Non-Est

Document ID - 23-SMOS-4128; Served To - AMER, KARIM; Server - ; Served Date - 04-DEC-23; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Non-est

Summons Returned Non-Est

Document ID - 23-SMOS-4127; Served To - NOJAIME, JEHANE; Server - ; Served Date - 04-DEC-23; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Non-est

Summons Personally Served

Document ID - 23-SMOS-4132; Served To - CONSTANTINO, ISABELLA; Server - ; Served Date - 04-DEC-23; Served Time - 00:00:00; Service Type - Special Process Server; Reason Description - Served

Affidavit Special Process Serv

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12/01/2023

Alias Summons Issued

Document ID: 23-SMOS-4507, for THE SQUARE LLC.

Alias Summons Issued

Document ID: 23-SMOS-4506, for AMER, KARIM.

Alias Summons Issued

Document ID: 23-SMOS-4505, for NOJAIME, JEHANE.

Request Filed

REQUEST FOR ALIAS SUMMONS ON DEFENDANTS JEHANE NOJAIME, KARIM AMER, AND THE SQUARE LLC

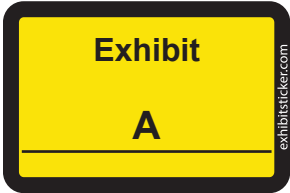
Filed By: MARC BRANDAN ELLIOT

11/29/2023

Affidavit Filed

AFFIDAVIT OF SERVICE RETURN ON ISABELLA CONSTANTINO

Filed By: MARC BRANDAN ELLIOT



Affidavit Filed

Case: 23-cv-07879-JPC-KHP Document 321-5 Filed 11/15/23 Page 10 of 76
Case: 23-cv-07879-JPC-KHP Document 321-5 Filed 11/15/23 Page 10 of 76
AFFIDAVIT OF NON SERVICE/ BAD ADDRESS ON DEFENDANT JEHANE NOJAIM

Filed By: MARC BRANDAN ELLIOT

Affidavit Filed

AFFIDAVIT OF SERVICE ON DEFENDANT THE SQUARE LLC

Filed By: MARC BRANDAN ELLIOT

Affidavit Filed

AFFIDAVIT OF NON SERVICE RETURN ON DEFENDANT KARIM AMER

Filed By: MARC BRANDAN ELLIOT

11/27/2023

Corporation Served

Document ID - 23-SMOS-4129; Served To - THE OTHRS LLC; Server - ; Served Date - 27-NOV-23; Served Time - 00:00:00;
Service Type - Other; Reason Description - Served

Corporation Served

Document ID - 23-SMOS-4130; Served To - THE OTHRS LICENSING CORP; Server - ; Served Date - 27-NOV-23; Served Time - 00:00:00; Service Type - Other; Reason Description - Served

Notice of Service

2322-CC09423

Notice of Service

notice of service

11/17/2023

Summons Personally Served

Document ID - 23-SMOS-4126; Served To - HBO HOME ENTERTAINMENT CORP; Server - ; Served Date - 15-NOV-23; Served Time - 14:45:00; Service Type - Special Process Server; Reason Description - Served; Service Text - ROBIN HUTT BANKS
MANAGING AGENT

11/08/2023

Jury Trial Scheduled

Scheduled For: 04/22/2024; 9:00 AM; ELIZABETH BYRNE HOGAN; City of St. Louis

11/02/2023

Correspondence Filed

A LETTER MAILED TO PLAINTIFF WITH 2 COPIES OF SUMMONS AND A COPY OF PETITION TO SEND TO NEW CASTLE COUNTY, DE, THE COUNTY OF NEW YORK, NY, MIAMI-DADE COUNTY, FL, BROOKLYN COUNTY, NY, AND ERIE COUNTY, NY FOR SERVICE ON DEFENDANTS

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4132, for CONSTANTINO, ISABELLA.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4131, for THE SQUARE LLC.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4130, for THE OTHRS LICENSING CORP.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4129, for THE OTHRS LLC.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4128, for AMER, KARIM.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4127, for NOJAIME, JEHANE.

Summ Issd- Circ Pers Serv O/S

Document ID: 23-SMOS-4126, for HBO HOME ENTERTAINMENT CORP.

Judge/Clerk - Note

SUMMONS IN DISCOVERY PENDING JOINT FILING TO FILE TO DISMISS
Case 1:23-cv-07819-JPE-NRP Document 31-5 Filed 10/31/23 Page 1 of 6
INFORMATION SHEET FOR SERVICE

10/31/2023

Confid Filing Info Sheet Filed

Filed By: MARC BRANDAN ELLIOT

Pet Filed in Circuit Ct

Filed By: MARC BRANDAN ELLIOT

Judge Assigned

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT
(City of St. Louis)

MARC ELLIOT,

Plaintiff,

v.

HBO HOME ENTERTAINMENT CORP.
a Delaware corporation; JEHANE NOUJAIME,
an individual; KARIM AMER, an individual;
THE OTHRS, LLC, a Florida limited liability
company; THE OTHRS LICENSING CORP.,
a Florida corporation; The Square, LLC, a
New York limited liability company;
ISABELLA CONSTANTINO, an individual;
JOHN DOES 1-10.

COMPLAINT FOR DAMAGES

Case No.

2322-CC09423

COMPLAINT

Plaintiff Marc Elliot, *pro se*, files this COMPLAINT and alleges as follows:

JURISDICTION AND VENUE

1. Jurisdiction and venue are proper and lie with Court pursuant to Mo. Rev. Stat. § 508.010.

PARTIES

2. Plaintiff Marc Elliot is a resident of Missouri and was at all times relevant to this Complaint. Plaintiff Marc Elliot currently resides at 5655 Pershing Ave, Apt 529, St. Louis, MO 63112.
3. Defendant HBO Home Entertainment (HBO) is a Delaware corporation. HBO broadcast *The Vow* for commercial gain. Upon information and belief the Defendant HBO's

registered agent is The Corporation Trust Company located at Corporation Trust Center 1209 Orange St, Wilmington, DE 19801.

4. Defendant Jehane Noujaim, upon information and belief, is a resident of New York.

Noujaim is a coproducer and director of *The Vow*. Noujaim “personally directed most of Part II’s episodes herself.” See Sam Adams, *The Vow’s Co-Creator on Why It Was Never Just a “Sex Cult” Documentary*, Slate, November 21, 2022,

<https://slate.com/culture/2022/11/vow-nxivm-keith-raniere-season-2-finale.html>. Upon information and belief the Defendant Jehane Noujaim lives at 14 E. 4th, Unit 1107, New York, 10002.

5. Defendant Karim Amer, upon information and belief is a resident of New York. Amer is a coproducer and director of *The Vow*. Upon information and belief the Defendant Karim Amer lives at 14 E. 4th, Unit 1107, New York, 10002.

6. Noujaim and Amer were spouses at all times relevant to this Complaint.

7. Defendant The Othrs LLC (a Florida limited liability company) controlled by Defendants Noujaim and Amer created specifically to facilitate the filming and distribution of rights to *The Vow* for commercial gain. Upon information and belief the Defendant The Othrs LLC’s registered agent is Lee J. Osiason and is located at 201 Alhambra Circle, Suite 1205, c/o Lee J. Osiason, Coral Gables, FL 33134.

8. Defendant The Othrs Licensing Corp. (a Florida corporation) controlled by Defendants Noujaim and Amer created specifically to facilitate the filming and distribution of rights to *The Vow* for commercial gain. Upon information and belief the Defendant The Othrs Licensing Corp’s registered agent is Lee J. Osiason and is located at 201 Alhambra Circle, Suite 1205, c/o Lee J. Osiason, Coral Gables, FL 33134

9. Defendant The Square, LLC (a New York limited liability company) is controlled by Defendants Noujaim and Amer and is listed as the “Producer” in Release Agreement. Upon information and belief the Defendant The Square, LLC’s registered agent is Lisa Wisely and is located at 160 Van Brunt St., Third FL, Brooklyn, NY 11231
10. Defendant Isabella Constantino is a New York resident. Upon information and belief the Defendant Isabella Constantino lives at 625 Lafayette Ave, Buffalo, NY 14222.
11. Defendant John Does 1-10 are unknown to the Plaintiff at this time. Plaintiff, upon information and belief states that others materially assisted named Defendants in violating his right of publicity as alleged in the Complaint. Such Doe defendants are likely to be identified in discovery and will be named in their legal capacity upon such being ascertained by Plaintiff.

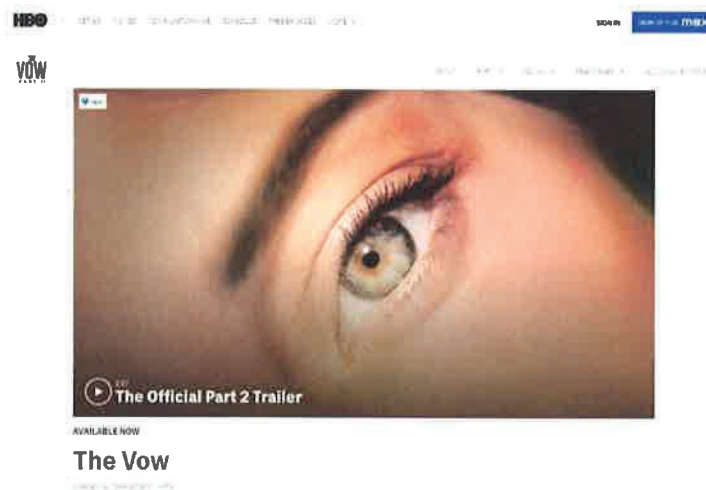
FACTS

12. Plaintiff was a member of a self-help organization known as NXIVM which practiced talk therapy and provided self-help courses which he found useful in overcoming his Tourette’s Syndrome..
13. Defendant Noujaime specifically addressed the NXIVM approach to dealing with Tourette’s directly targeting Plaintiff based on his experience with NXIVM. See Sam Adams, *The Vow’s* Co-Creator on Why It Was Never Just a “Sex Cult” Documentary, Slate, November 21, 2022,
<https://slate.com/culture/2022/11/vow-nxivm-keith-raniere-season-2-finale.html>.
14. NXIVM was co-founded by Keith Raniere.

15. Raniere was involved in a legal battle with the United States government and was ultimately charged and convicted of federal criminal charges.
16. Raniere's criminal case and that of several famous co-defendants brought attention and publicity to NXIVM.
17. Raniere's criminal case culminated in a high-profile jury trial in the Eastern District of New York in 2019.
18. Nine weeks before Raniere's trial the Government alleged they had found child pornography on a hard drive seized during a search of Raniere's residence.
19. This created even greater attention to the case, brought new charges against Raniere, and led Raniere's co-defendants to plead guilty.
20. Raniere is currently challenging his conviction on grounds of newly discovered evidence, supported by seven forensics experts, that the metadata of the alleged child pornography evidence, which aged the subject of photos to 15, was extensively doctored, and multiple government personnel appear to be involved in this fraud. See *United States v. Raniere*, 18-cr-204, Eastern District of New York, ECF. Nos 1169, 1176, 1192, 1213, and 1223.
21. As a result of this publicity, Defendants Noujaim and Amer, who are documentary filmmakers, began production of a documentary, eventually to become known as *The Vow*, about NXIVM on or about May of 2017.
22. Defendants Noujaim and Amer control, manage and own the companies responsible for producing, directing, filming and distributing their documentaries, including *The Vow*.
23. The companies controlled by Defendants Noujaim and Amer include The Othrs LLC, The Othrs Licensing Corp., The Square LLC (collectively "Othrs") which are each named as a defendant in the action.

24. On or about October 2017 through February 2018, Plaintiff engaged in a call transmitted over technology utilized in interstate commerce with Defendant Isabella Constantino concerning NXIVM (the "Constantino call").
25. Defendant Constantino knew that Plaintiff was unaware of the filming of the call, had not given consent for the airing of the call, and that such audio and visual production would be used by other defendants for commercial gain
26. Plaintiff was approached by Defendants Noujaim and Amer to participate in Season 2 of *The Vow* on or about July 11, 2020.
27. Plaintiff sent the signed Release Agreement to Defendants Noujaim and Amer by email on September 18, 2020. See Exhibit 1.
28. The operative language of the Agreement stated "*I consent and give my permission to The Square LLC (the "Producer," which, as referenced in this consent and release, includes the Producer's affiliates, successors, licensees and assigns), to interview, film, photograph and record me starting July 11th, 2020 (collectively, the "Footage"), in*
29. *connection with the Forgotten Ones movement, and to use the Footage and my name, voice, likeness and biography in Producer's documentary series about NXIVM (the "Documentary Series").*
30. The agreement specifically addressed only those times after July 11, 2020.
31. Defendants Noujaim and Amer knew, at the time Plaintiff signed the release, that the 2018 Constantino call footage existed.
32. Defendants Noujaim and Amer used professional videography and sound equipment to video and audio record the call with Constantino's permission intending to use it in a commercially produced and released documentary about NXIVM and its members.

33. Defendants Noujaim and Amer never disclosed the existence of the Constantino call to Plaintiff and it was only upon the airing of season 2, episode 3 of *The Vow* that Plaintiff became aware of its existence.
34. Plaintiff never provided knowing and voluntary consent to Defendants Noujaim and Amer of Defendant HBO or any of their agents to air the Constantino call footage.
35. Defendants Noujaim and Amer began filming Plaintiff on July 11, 2020, and continued through on or about September 2021.
36. HBO entered into an agreement with Defendants Noujaim and Amer and their companies to air *The Vow* for compensation.
37. Upon information and belief, HBO's legal department reviewed the episodes prior to airing and also reviewed Plaintiff's Release Agreement.
38. Plaintiff appeared in *The Vow* season two, episode three which aired on October 31, 2022 on HBO behind a paywall for commercial gain.
39. *The Vow* is available for viewing behind a paywall and has been at all times relevant to this Complaint in Missouri.



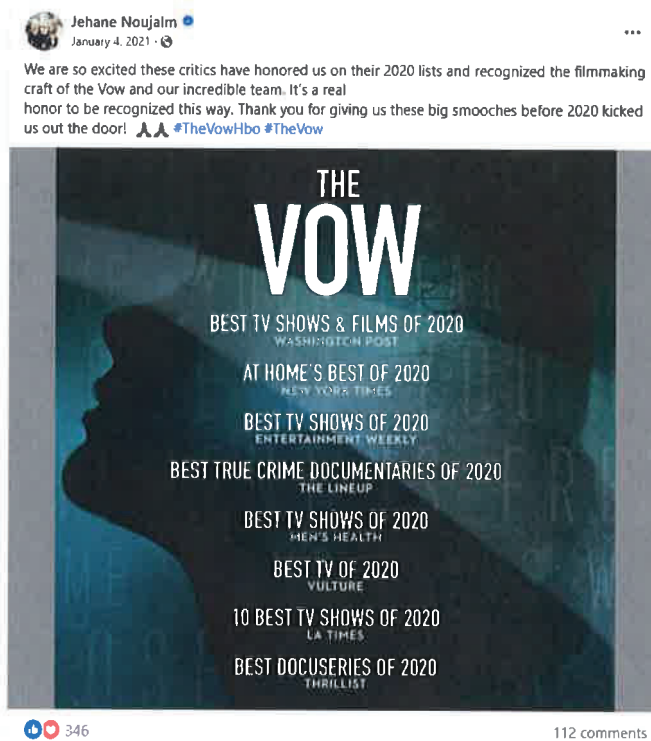
40. The episode which includes Plaintiff, as referenced by paragraph 38 above, continues to air on HBO and is currently available behind a paywall for viewing by the general public, making exhibition use for commercial gain.
41. Plaintiff was located in New York during the Constantino call.
42. Upon information and belief, Constantino was located in New York when the Constantino call was recorded.
43. New York is a one-party consent state with relation to wiretapped conversations transmitted electronically.
44. Without Plaintiff's knowledge or consent the call with Constantino was recorded by videographic and audio means.
45. Plaintiff had and continues to have an expectation of privacy in the Constantino call.
46. Upon information and belief, Constantino permitted John Doe defendants to record the call for future use in a video documentary production about NXIVM which was produced and broadcast as *The Vow*.
47. Upon information and belief, Constantino and the Doe defendants knew that Plaintiff did not consent to the recording and did not waive any right to privacy in his voice, name and identification for the commercial use of the recording either by video or audio production.
48. There is no consent and release from Plaintiff to any party that waives his right to privacy in the Constantino call.

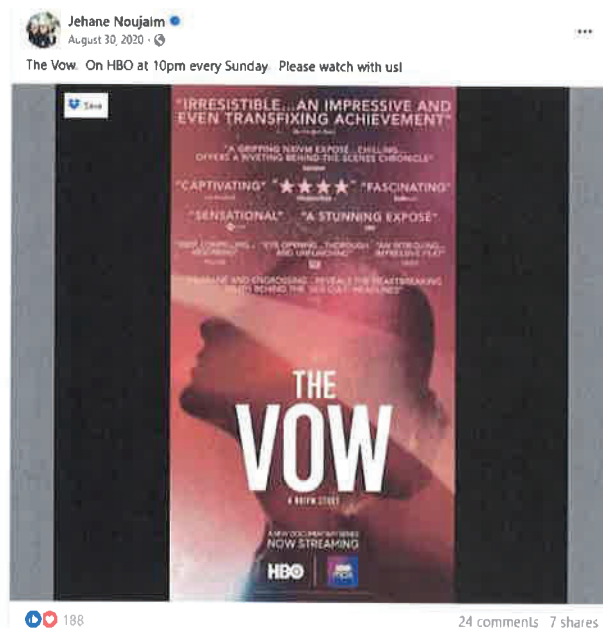
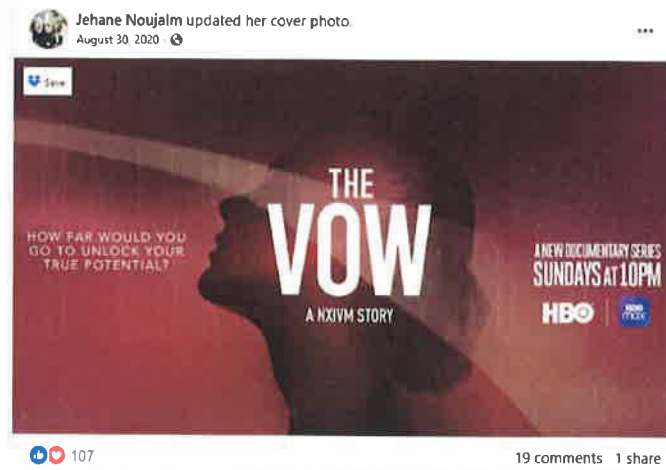
49. Upon information and belief, Defendant HBO reviewed the July 11, 2022 Release Agreement signed by Plaintiff and knew that the Constantino call was not covered by the agreement.
50. Upon information and belief, Defendants The Square LLC (State LLC), The Othrs LLC (a Florida LLC), and The Othrs Licensing Corp. (a Florida corporation) by and through their members Defendants Noujaim and Amer solicited and marketed the broadcast of *The Vow* specifically season two, episode three to Defendant HBO including the Constantino call broadcast to the public without Plaintiff's consent.
51. Upon information and belief, the Defendants collectively conspired to broadcast the Constantino call in violation of Plaintiff's right to privacy with full knowledge that Plaintiff had neither consented nor waived his right to privacy in the call.
52. Defendants individually and collectively gained a commercial advantage from the use of Plaintiff's name, identity and voice without his consent.

COUNT I RIGHT OF PUBLICITY AS TO ALL DEFENDANTS

53. Paragraphs 1 through 51 are incorporated by reference as if more fully stated herein.
54. Plaintiff has a right to privacy and a right of publicity in Missouri. See *Doe v. TCI Cablevision*, 110 S.W.3d 363 (Mo. 2003).
55. Plaintiff has a statutory right of privacy in New York to his name, portrait, picture, or voice being used in a film or television production. See N.Y. Civ. Rights Law § 51.
56. Defendants, jointly and severally, used Plaintiff's voice, likeness and name to gain a commercial advantage for profit in a video production, *The Vow*, aired on HBO beginning on October 31, 2022 and continuing to present.

57. *The Vow* was a commercial success continuing to generate revenue for the Defendants, as acknowledged by Defendant Noujaim on her Facebook page.





58. Plaintiff was damaged by the publication, without his consent, of the Constantino call.

COUNT II CIVIL CONSPIRACY AS TO ALL DEFENDANTS

59. Paragraphs 1 through 57 are incorporated by reference as if more fully stated herein.

60. Defendants conspired, aided and abetted and otherwise colluded with each other individually and collectively to knowingly collect and publish for commercial gain the identity, likeness and voice of Plaintiff without his consent or any legal justification.

61. Defendants conspired with an unlawful objective to broadcast Plaintiff's identity and voice in season two, episode three of *The Vow* in order to increase publicity and continue their commercial gain with knowledge that Plaintiff had not consented to his identity and likeness from the Constantino call being broadcast.
62. Upon information and belief, Defendants collaborated jointly and severally to publish the identity and voice of Plaintiff without his consent in relation to the Constantino call by in person meetings and electronic means.
63. Defendants engaged in the overt act of publishing the Constantino call without the consent of Plaintiff by inducing Plaintiff to consent to filming and use of his likeness, name, image and voice on or after July 11, 2020, with full knowledge of the Constantino call.
64. Plaintiff was damaged by the publication, without his consent, of the Constantino call.

WHEREFORE,

1. Plaintiff demands a trial by jury.
2. Plaintiff seeks an award of damages in excess of \$75,000 to be determined by proof at trial against each and every Defendant, jointly and severally.
3. All other remedies allowed by law.

DATED this 31st day of October 2023.

Sworn to and subscribed before me this 31st
date of October, 2023.

Witness my hand and official seal.

Notary Public Barbara D. Renfrow



Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marc Elliot", written over a horizontal line.

Marc Elliot
Defendant, *pro se*
5655 Pershing Ave, Apt 529
St. Louis, MO 63112
marc@marcelliot.com
314-252-0579

[REDACTED]

EXHIBIT 1

THE SQUARE LLC - Producer

CONSENT AND RELEASE

I consent and give my permission to The Square LLC (the "Producer," which, as referenced in this consent and release, includes the Producer's affiliates, successors, licensees and assigns), to interview, film, photograph and record me starting July 11th, 2020 (collectively, the "Footage"), in connection with the Forgotten Ones movement, and to use the Footage and my name, voice, likeness and biography in Producer's documentary series about NXIVM (the "Documentary Series"), its exploitation in all versions, formats and media worldwide in perpetuity, the advertising and promotion of the Documentary Series, and otherwise in connection with the subject matter. Producer shall have the right to assign its rights hereunder to any person, corporation or entity. Following release of the Documentary Series, I may request in writing and Producer will use good faith efforts to cause any Footage featuring me in connection with the Forgotten Ones movement which is not used in the Documentary Series to be licensed to me for historical purposes or any other purposes that are mutually agreed upon in writing, on terms to be negotiated in good faith. The above provision shall be subject to the approval of the distributor of the Documentary Series and any rights of other subjects contained in the Footage.

I know that the subject matter of the Documentary Series is sensitive and will not disclose to anyone the Documentary Series' existence or any other information concerning it, including my participation in the interview. I will not give any interviews or authorize any publicity relating to the Documentary Series without Producer's prior written approval.

I agree not to make any claim of any nature against the Producer or any third party relating to the Documentary Series and your filming of me, including but not limited to claims for moral rights, defamation, privacy, publicity, or payment. I agree that I do not have any right of inspection or approval of the uses of the Footage pursuant to this consent and release. I agree to jurisdiction of state and federal courts located in New York, New York that New York law shall govern this release, and hereby specifically waive the right to seek equitable or injunctive relief or to otherwise enjoin, restrain, or interfere with the production, distribution, exploitation, promotion, or exhibition of the Documentary Series or use of any of the above grants.

I confirm that I am not basing my consent and release on any information or statements other than what is contained herein. Since I understand that Producer is relying on the consent and release being granted herein, including making binding contractual commitments and incurring significant expense, I agree that it cannot be revoked.

Signature:  _____Printed: **Marc Elliot** _____Address: **99 Wall St, Suite #1958, New York, 10005** _____Email: **marc@marcelliot.com** _____

THE SQUARE LLC - Producer

CONSENT AND RELEASE

Date: _____



Marc Elliot <marc@marceliot.com>

Marc Elliot's Release Form

4 messages

Marc Elliot <marc@marceliot.com>
To: karimamer@theodns.com

Hi Karim and Jehane,

With all the filming that took place today surrounding CBS, it only made sense I also sign the release at this point. Attached is my release form. Karim, I know we haven't had the chance to meet. Would it be possible if the three of us talked soon?

Thanks

-Marc Elliot

Marc Elliot
Inspirational Speaker
www.marceliot.com

Appearance Release (The Square LLC) 8.6.20.pdf
85K

Jehane Noulain <noulainjehane@gmail.com>
To: Marc Elliot <marc@marceliot.com>
Cc: Karim Salah Amer <karimamer@theodns.com>

Dear Marc,

Thank you so much for this. We heard from Bowie that it was very powerful to hear the group's conversation after the CBS interview last week. I am really glad to hear that you were a part of the conversation, and I am very much looking forward to talking more with you soon. I know Karim would love to meet you as well. We would love to connect for a call soon. Does sometime later this week or weekend work for you?

All the best,

Jehane

On Mon, Sep 21, 2020 at 2:20 PM Karim Salah Amer <karimamer@theodns.com> wrote:

----- Forwarded message -----
From: Marc Elliot <marc@marceliot.com>
Date: Fri, Sep 18, 2020 at 10:10 PM
Subject: Marc Elliot's Release Form
To: <karimamer@theodns.com>

Hi Karim and Jehane,

With all the filming that took place today surrounding CBS, it only made sense I also sign the release at this point. Attached is my release form. Karim, I know we haven't had the chance to meet. Would it be possible if the three of us talked soon?

Thanks

-Marc Elliot

Marc Elliot
Inspirational Speaker
www.marceliot.com

Fri, Sep 18, 2020 at 9:00 AM

Mon, Sep 21, 2020 at 1:00 PM



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: HBO HOME ENTERTAINMENT CORP

Alias:

THE CORPORATION TRUST COMPANY

1209 ORANGE ST

WILMINGTON, DE 19801

NEW CASTLE COUNTY, DE

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Hoepfinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

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Directions to Officer Making Return on Service of Summons

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Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Other Tort	

(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: JEHANE NOJAIME
Alias:

14 E 4TH ST UNIT 1107
NEW YORK, NY 10002

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Hoppinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

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Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

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IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: **KARIM AMER**
Alias:
14 E 4TH ST UNIT 1107
NEW YORK, NY 10002

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Hoppinger
Clerk

Officer's or Server's Affidavit of Service

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 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

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(Seal)

Signature and Title

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Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: THE OTHRS LLC

Alias:

201 ALHAMBRA CIRCLE SUITE 1205

C/O LEE J OSIASON

CORAL GABLES, FL 33134

MIAMI-DADE COUNTY, FL

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Hoepfner
Clerk

Officer's or Server's Affidavit of Service

I certify that:

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Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
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(Seal)

Signature and Title

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Summons \$ _____
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Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: THE OTHRS LICENSING CORP

Alias:

201 ALHAMBRA CIRCLE SUITE 1205
C/O LEE J OSIASON
CORAL GABLES, FL 33134

MIAMI-DADE COUNTY, FL

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Koeppinger
Clerk

Officer's or Server's Affidavit of Service

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 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
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Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: THE SQUARE LLC
Alias:

LISA WISLEY, RAGT
160 VAN BRUNT ST THIRD FL
BROOKLYN, NY 11231

BROOKLYN COUNTY, NY

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Thomas Hoepfinger
Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Other Tort	

(Date File Stamp)

**Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

<p>The State of Missouri to: ISABELLA CONSTANTINO Alias: 625 LAFAYETTE AVENUE BUFFALO, NY 14222</p> <p>COURT SEAL OF CITY OF ST LOUIS</p>	<p style="text-align: right;">ERIE COUNTY, NY</p> <p>You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.</p> <p style="text-align: center;">November 2, 2023 Date</p> <p style="text-align: right;"><i>Thomas Hoepfinger</i> Clerk</p> <p>Further Information:</p>
--	---

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



TWENTY-SECOND JUDICIAL CIRCUIT OF MISSOURI
CITY OF ST. LOUIS

THOMAS KLOEPPINGER
CIRCUIT CLERK

NOVEMBER 2, 2023

Cause Number: 2322-CC09423

Dear MR MARC ELLIOT

Please find enclosed herein, two (2) copies of the summons with attached Petition in regard to the above cause number.

You must forward both copies to the **NEW CASTLE COUNTY, DE, THE COUNTY OF NEW YORK, NY, MIAMI-DADE COUNTY, FL, BROOKLYN COUNTY, & ERIE COUNTY, NY SHERIFF'S DEPARTMENT** or other process server in the county and state where you are attempting to serve the defendants.

As the summons must be served within thirty (30) days of issue date, it is very important that you do this as soon as possible or the summons will expire.

Sincerely,

THOMAS KLOEPPINGER
Circuit Clerk

By: M MCMULLEN
Deputy Clerk



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

FILED
 NOV 17 2023

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	22 ND JUDICIAL CIRCUIT CIRCUIT CLERK'S OFFICE BY <u>[Signature]</u> DEPUTY
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	(Date File Stamp)
Nature of Suit: CC Other Tort		

**Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)**

The State of Missouri to: HBO HOME ENTERTAINMENT CORP
 Alias:
 THE CORPORATION TRUST COMPANY
 1209 ORANGE ST
 WILMINGTON, DE 19801.

NEW CASTLE COUNTY, DE

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Kloppeinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is PROCESS SERVER of NEW CASTLE County, DE (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☒ (for service on a corporation) delivering a copy of the summons and petition to ROBIN HUTT BANKS (name) MANAGING AGENT (title).
 - ☐ other: _____

Served at 1209 ORANGE ST WILMINGTON DE 19801 (address)

in NEW CASTLE County, DE (state), on 11/15/2023 (date) at 2:45 PM (time).

GILBERT DEL VALLE

Printed Name of Sheriff or Server

Subscribed and sworn to before me this 15TH (day) NOV. (month) 2023 (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☒ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

KEVIN DUNN
 (Seal) NOTARY PUBLIC
 STATE OF DELAWARE
 My Commission Expires on July 26, 2026

[Signature]
Signature and Title

GILBERT DEL VALLE
 BRANDYWINE PROCESS SERVERS, LTD
 PO BOX 1360 WILMINGTON, DE 19899
 302-475-2600

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

BRANDYWINE PROCESS SERVERS, LTD.

PO BOX 1360

Wilmington, DE 19899

302-475-2600

brandywineps@comcast.net

www.wilmingtonprocessserver.com

INVOICE**BILL TO**

MARC BRANDON

ELLIOT

5655 PERSHING AVE APT

529

ST LOUIS, MO 63101

INVOICE # 12796**DATE 11/15/2023****DUE DATE 12/15/2023****TERMS Net 30**

DATE	CASE CAPTION	AMOUNT
11/15/2023	MARC BRANDON ELLIOT V HBO ENTERTAINMENT CORP SERVICE C/O CT	99.00
PAYMENT		99.00
BALANCE DUE		\$0.00

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT OF MISSOURI

MARC BRANDAN ELLIOT

Plaintiff(s) / Petitioner(s)

2023 NOV 27 PM 1:18

v.

HBO HOME ENTERTAINMENT CORP. a Delaware corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORBP., a Florida corporation; The Square, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10

Case No.: 2322-CC09423

Defendant(s) / Respondent(s)

AFFIDAVIT OF SERVICE

I, David Diaz, being duly sworn, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to The Othrs Licensing Corp in Miami-Dade County, FL on November 18, 2023 at 12:06 pm at 7525 Sunset Dr, Miami, FL 33143 by leaving the following documents with Lee Osiason who as Registered Agent is authorized by appointment or by law to receive service of process for The Othrs Licensing Corp.

Summons, Directions, Complaint for Damages, and Exhibit A

White Male, est. age 65+, glasses: N, Brown hair, 140 lbs to 160 lbs, 5' 6" to 5' 9".
Geolocation of Serve: <https://google.com/maps?q=25.7035840791,-80.3159791019>
Photograph: See Exhibit 1

/s/ David Diaz

Signature
David Diaz
+1 (786) 516-5514

Subscribed and sworn to before
me this 21 day of
November, 23, by
Amber Jo Martinez
Witness my hand and official
seal.

Amber Jo Martinez

Notary Public

My commission expires:
10/09/2027

Notarized online using audio-video communication

Amber Jo Martinez
Electronic Notary Public
State of Colorado
Commission #: 20194038470
Commission Expires: 10/09/2027

Exhibit 1a)





IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
vs.		
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: THE OTHERS LICENSING CORP

Alias:

201 ALHAMBRA CIRCLE SUITE 1205
C/O LEE J OSIASON
CORAL GABLES, FL 33134

MIAMI-DADE COUNTY, FL

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Koeppinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☒ (for service on a corporation) delivering a copy of the summons and petition to _____ Lee Osiason _____ (name) _____ Registered Agent _____ (title).
 - ☐ other: _____

Served at 7525 Sunset Dr, Miami, FL 33143 (address)

in Miami-Dade County, Florida (state), on 11/18/2023 (date) at 12:06 pm (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

IN THE TWENTY-SECOND JUDICIAL CIRCUIT COURT OF MISSOURI

MARC BRANDAN ELLIOT

Plaintiff(s) / Petitioner(s)

2023 NOV 27 PM 1:18

v.

HBO HOME ENTERTAINMENT CORP, a Delaware corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; The Square, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10

Case No.: 2322-CC09423

Defendant(s) / Respondent(s)

AFFIDAVIT OF SERVICE


I, David Diaz, being duly sworn, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to The OTHRS LLC in Miami-Dade County, FL on November 18, 2023 at 12:04 pm at 7525 Sunset Dr, Miami, FL 33143 by leaving the following documents with Lee Osiason who as Registered Agent is authorized by appointment or by law to receive service of process for The OTHRS LLC.

Summons, Directions, Complaint for Damages, and Exhibit 1

White Male, est. age 65+, glasses: N, Brown hair, 160 lbs to 180 lbs, 5' 6" to 5' 9".
Geolocation of Serve: <https://google.com/maps?q=25.7034472958,-80.3162113233>
Photograph: See Exhibit 1

/s/ 

Signature
David Diaz
+1 (786) 516-5514

Subscribed and sworn to before
me this 21 day of

November, 23, by

Amber Jo Martinez

Witness my hand and official
seal.

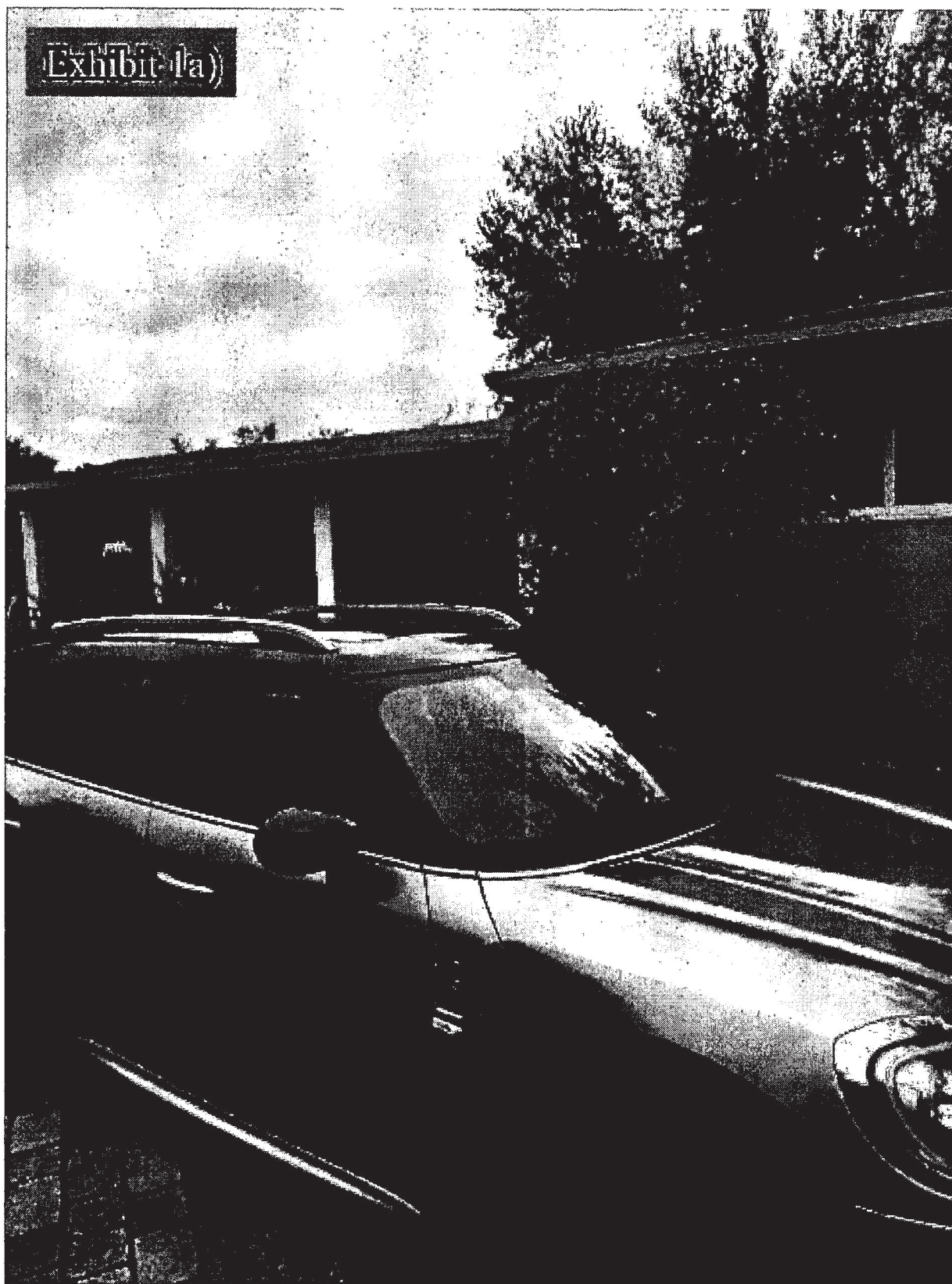
Amber Jo Martinez

Notary Public

My commission expires:
10/09/2027

Notarized online using audio-video communication

Amber Jo Martinez
Electronic Notary Public
State of Colorado
Commission #: 20194038470
Commission Expires: 10/09/2027





IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: THE OTHRS LLC
Alias:
201 ALHAMBRA CIRCLE SUITE 1206
C/O LEE J OSIASON
CORAL GABLES, FL 33134

MIAMI-DADE COUNTY, FL

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

November 2, 2023

Date

Further Information:

Thomas Hoepfinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☒ (for service on a corporation) delivering a copy of the summons and petition to _____ Lee Osiason _____ (name) _____ Registered Agent _____ (title).
 - ☐ other: _____

Served at 7525 Sunset Dr, Miami, FL 33143 _____ (address)
in Miami-Dade County, Florida _____ (state), on 11/18/2023 _____ (date) at 12:04 pm _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

FILED

NOV 28 2023

22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY Job: 993/440 DEPUTY

AFFIDAVIT OF NON-SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.
Received by: LLS		For: MARC BRANDAN ELLIOT
To be served upon: KARIM AMER		

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: KARIM AMER
 Address: 14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012
 Manner of Service: NON - SERVICE / BAD ADDRESS
 Date & Time: NOVEMBER 16, 2023 // 7:13 pm
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1

Additional Comments: As per building concierge, no one by name is listed within building directory.

Rodrick Green 11/28/23
 RODRICK GREEN Date

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me.

Arlette Simmons
 Notary Public

Date

November 28, 2023
 ARLETTE SIMMONS
 Notary Public, State of New York
 No: 01S15162427
 Qualified in New York County
 My Commission Expires November 05, 2024

FILED

NOV 28 2023

AFFIDAVIT OF SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	22ND JUDICIAL CIRCUIT CLERK'S OFFICE BY 9037400 DEPUTY
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: THE SQUARE LLC			

I, MALCOLM NEWMAN, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: THE SQUARE LLC via NEW YORK SECRETARY OF STATE

Address: 99 WASHINGTON AVENUE, ALBANY NY 12201

Manner of Service: SECRETARY OF STATE

Time & Date: NOVEMBER 17, 2023 / 10:56 am

Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1 and \$40.00 STATE FILING FEE


MALCOLM NEWMAN Date

LLS
41 Schermerhorn Street Suite 318
Brooklyn, NY 11201
800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me.


Notary Public

Date

November 28, 2023

ARLETTE SIMMONS
Notary Public, State of New York
No: 01S15162427
Qualified in New York County
My Commission Expires November 05, 2024

FILED

NOV 28/2023

AFFIDAVIT OF NON-SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	22ND JUDICIAL CIRCUIT CIRCUIT CLERK'S OFFICE
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: BY <u>[Signature]</u> DEPUTY HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: JEHANE NOJAIM			

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: JEHANE NOJAIM
 Address: 14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012
 Manner of Service: NON - SERVICE / BAD ADDRESS
 Date & Time: NOVEMBER 16, 2023 // 7:13 pm
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1

Additional Comments: As per building concierge, no one by name is listed within building directory.

[Signature]
 RODRICK GREEN

11/28/23
 Date

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me.

[Signature]
 Notary Public

November 28, 2023
 Date

ARLETTE SIMMONS
 Notary Public, State of New York
 No: 01S15162427
 Qualified in New York County
 My Commission Expires November 05, 2024

FILED

NOV 28 2023

AFFIDAVIT OF SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	22ND JUDICIAL CIRCUIT CLERK'S OFFICE BY 9937448 DEPUTY
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: ISABELLA CONSTANTINO			

I, ELVIN SINGLETON, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: ISABELLA CONSTANTINO
 Address: 625 LAFAYETTE AVENUE, BUFFALO, NEW YORK 14222
 Manner of Service: PERSONAL / INDIVIDUAL
 Date & Time: NOVEMBER 27, 2023 // 7 41 pm
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1

ELVIN SINGLETON
 ELVIN SINGLETON

11/28/23
 Date

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me

[Signature]
 Notary Public

Date

November 28, 2023

ARLETTE SIMMONS
 Notary Public State of New York
 No 01S15162427
 Qualified in New York County
 My Commission Expires November 05 2024



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Other Tort	

(Date File Stamp)

ALIAS Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: JEHANE NOJAIME
Alias:

14 E 4TH ST UNIT 1107
NEW YORK, NY 10002

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 1, 2023

Date

Further Information:

Thomas Koeppinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)

in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
Nature of Suit: CC Other Tort	

(Date File Stamp)

ALIAS Summons for Personal Service Outside the State of Missouri (Except Attachment Action)

The State of Missouri to: KARIM AMER
Alias:
14 E 4TH ST UNIT 1107
NEW YORK, NY 10002

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 1, 2023

Date

Further Information:

Thomas Koeppinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

MISSOURI CIRCUIT COURT
TWENTY-SECOND JUDICIAL CIRCUIT

(City of St. Louis)

MARC ELLIOT

VS

FILED
DEC 01 2023
22ND JUDICIAL CIRCUIT
CIRCUIT CLERK'S OFFICE
BY _____ DEPUTY

H130 HOME ENTERTAINMENT CORP, JETHANE NOUSAIM, KARIM AMER, THE OTHERS LLC, THE OTHERS
LICENSING CORP, THE SQUARE LLC, ISABELLA CONSTANTINO.

CASE NO. 2322-CC09423 DIVISION 1

ORDER/JUDGEMENT/MEMORANDUM

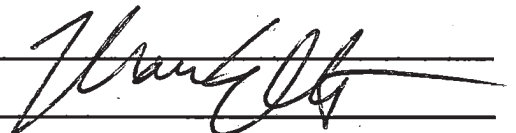
PLAINTIFF'S REQUEST

I'M REQUESTING TO REISSUE THE SUMMONS FOR JETHANE NOUSAIM, KARIM
AMER AND THE SQUARE LLC. FOR JETHANE NOUSAIM AND KARIM AMER, THE
PROCESS SERVER, SERVED THE LAST KNOWN ADDRESS BUT THEY NO LONGER LIVE THERE
I SUBMITTED THE AFFIDAVITS OF NON SERVICE TO THE COURT BUT I NEED MORE
TIME TO LOCATE THEM.

REGARDING THE SQUARE LLC, THE PROCESS SERVER, SERVED THE LLC THROUGH
THE NY SECRETARY OF STATE BUT I JUST FOUND OUT THAT WILL NOT
SUFFICE. I'M REQUESTING MORE TIME TO SERVE THE LLC'S REGISTERED
AGENT. I DID SUBMIT THE AFFIDAVIT TO THE COURT FOR THE SUMMONS
SUBMITTED THROUGH THE NY SECRETARY OF STATE.

THANK YOU.

MARC ELLIOT



Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

ALIAS Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: **THE SQUARE LLC**
Alias:

LISA WISLEY, RAGT
160 VAN BRUNT ST THIRD FL
BROOKLYN, NY 11231

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 1, 2023

Date

Thomas Koeppinger
Clerk

Further Information:

Officer's or Server's Affidavit of Service

I certify that:

- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The office making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.

AFFIDAVIT OF SERVICE

Case: 2322 CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	2023 DEC 4 PM 12:18 9937440
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: ISABELLA CONSTANTINO			

I, ELVIN SINGLETON, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: ISABELLA CONSTANTINO
 Address: 625 LAFAYETTE AVENUE, BUFFALO, NEW YORK 14222
 Manner of Service: PERSONAL / INDIVIDUAL
 Date & Time: NOVEMBER 27, 2023 // 7:41 pm
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1

Elvin Singleton
 ELVIN SINGLETON

11/28/23
 Date

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 EOO 695-7480

Subscribed and sworn to before me by the affiant who is
 personally known to me

[Signature]
 Notary Public

Date

November 28, 2023

ARLETTE SIMMONS
 Notary Public State of New York
 No. 01S15162427
 Qualified in New York County
 My Commission Expires November 05, 2024

AFFIDAVIT OF NON-SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	FILED DEC -4 PM 12:18 9937440
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: KARIM AMER			

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: KARIM AMER
 Address: 14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012
 Manner of Service: NON - SERVICE / BAD ADDRESS
 Date & Time: NOVEMBER 16, 2023 // 7:13 pm
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1

Additional Comments: As per building concierge, no one by name is listed within building directory.



RODRICK GREEN

Date

11/28/23

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me.


 Notary Public

Date

November 28, 2023

ARLETTE SIMMONS
 Notary Public, State of New York
 No. 01515162427
 Qualified in New York County
 My Commission Expires November 05, 2024

AFFIDAVIT OF SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	2428 DEC - 4 PM 12:18 Job: 9937440
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: THE SQUARE LLC			

I, MALCOLM NEWMAN, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein

Recipient Name: THE SQUARE LLC via NEW YORK SECRETARY OF STATE
 Address: 99 WASHINGTON AVENUE, ALBANY NY 12201
 Manner of Service: SECRETARY OF STATE
 Time & Date: NOVEMBER 17, 2023 / 10:56 am
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1 and \$40.00 STATE FILING FEE


 MALCOLM NEWMAN Date

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 800 695-7480

Subscribed and sworn to before me by the affiant who is personally known to me.


 Notary Public

Date

November 28, 2023

ARLETTE SIMMONS
 Notary Public, State of New York
 No: 01S15162427
 Qualified in New York County
 My Commission Expires November 05, 2024

AFFIDAVIT OF NON-SERVICE

Case: 2322-CC09423	Court: 22ND JUDICIAL CIRCUIT	County: ST. LOUIS, MO	2023 DEC 14 PM 12:18 Job: 9937440
Plaintiff / Petitioner: MARC BRANDAN ELLIOT		Defendant / Respondent: HBO HOME ENTERTAINMENT CORP.	
Received by: LLS		For: MARC BRANDAN ELLIOT	
To be served upon: JEHANE NOJAIM			

I, Rodrick Green, being duly sworn, depose and say: I am over the age of 18 years and not a party to this action, and that within the boundaries of the state where service was effected, I was authorized by law to make service of the documents and informed said person of the contents herein.

Recipient Name: JEHANE NOJAIM
 Address: 14 E. 4th STREET APT: 1107, NEW YORK, NEW YORK 10012
 Manner of Service: NON - SERVICE / BAD ADDRESS
 Date & Time: NOVEMBER 16, 2023 // 7:13 pm
 Documents: SUMMONS FOR PERSONAL SERVICE OUTSIDE THE STATE OF MISSOURI (Except Attachment Action), COMPLAINT FOR DAMAGES and EXHIBIT 1

Additional Comments: As per building concierge, no one by name is listed within building directory.

Rodrick Green 11/28/23
 RODRICK GREEN Date

LLS
 41 Schermerhorn Street Suite 318
 Brooklyn, NY 11201
 800 695-7489

Subscribed and sworn to before me by the affiant who is personally known to me.

[Signature]
 Notary Public

Date

November 28, 2023

ARLETTE SIMMONS
 Notary Public, State of New York
 No: 01S15162427
 Qualified in New York County
 My Commission Expires November 05, 2024



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423	2024 DEC 12 PM 6:18
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112	
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101	
Nature of Suit: CC Other Tort		(Date File Stamp)

ALIAS Summons for Personal Service Outside the State of Missouri
(Except Attachment Action)

The State of Missouri to: **THE SQUARE LLC**
Alias:

LISA WISLEY, RAGT
160 VAN BRUNT ST THIRD FL
BROOKLYN, NY 11231

COURT SEAL OF



CITY OF ST LOUIS

You are summoned to appear before this court and to file your pleading to the petition, copy of which is attached, and to serve a copy of your pleading upon the attorney for the plaintiff/petitioner at the above address all within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to file your pleading, judgment by default will be taken against you for the relief demanded in this action.

December 1, 2023

Date

Further Information:

Thomas Koeppinger
Clerk

Officer's or Server's Affidavit of Service

I certify that:

1. I am authorized to serve process in civil actions within the state or territory where the above summons was served.
2. My official title is _____ of _____ County, _____ (state).
3. I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

Service Fees

Summons \$ _____
 Non Est \$ _____
 Mileage \$ _____ (_____ miles @ \$ _____ per mile)
 Total \$ _____

See the following page for directions to officer making return on service of summons.

Directions to Officer Making Return on Service of Summons

A copy of the summons and petition must be served on each defendant/respondent. If any defendant/respondent refuses to receive the copy of the summons and petition when offered, the return shall be prepared accordingly so as to show the offer of the officer to deliver the summons and petition and the defendant's/respondent's refusal to receive the same.

Service shall be made: (1) On Individual. On an individual, including an infant or incompetent person not having a legally appointed guardian, by delivering a copy of the summons and petition personally to the individual or by leaving a copy of the summons and petition at the individual's dwelling house or usual place of abode with some person at least 18 years of age residing therein, or by delivering a copy of the summons and petition to an agent authorized by appointment or required by law to receive service of process; (2) On Guardian. On an infant or incompetent person who has a legally appointed guardian, by delivering a copy of the summons and petition to the guardian personally; (3) On Corporation, Partnership or Other Unincorporated Association. On a corporation, partnership or unincorporated association, by delivering a copy of the summons and petition to an officer, partner, or managing or general agent, or by leaving the copies at any business office of the defendant/respondent with the person having charge thereof or by delivering copies to its registered agent or to any other agent authorized by appointment or required by law to receive service of process; (4) On Public or Quasi-Public Corporation or Body. Upon a public, municipal, governmental or quasi-public corporation or body in the case of a county, to the mayor or city clerk or city attorney in the case of a city, to the chief executive officer in the case of any public, municipal, governmental, or quasi-public corporation or body or to any person otherwise lawfully so designated.

Service may be made by an officer or deputy authorized by law to serve process in civil actions within the state or territory where such service is made.

Service may be made in any state or territory of the United States. If served in a territory, substitute the word "territory" for the word "state."

The officer making the service must swear an affidavit before the clerk, deputy clerk, or judge of the court of which the person is an officer or other person authorized to administer oaths. This affidavit must state the time, place, and manner of service, the official character of the affiant, and the affiant's authority to serve process in civil actions within the state or territory where service is made.

Service must be made less than 10 days nor more than 30 days from the date the defendant/respondent is to appear in court. The return should be made promptly, and in any event so that it will reach the Missouri court within 30 days after service.



IN THE 22ND JUDICIAL CIRCUIT, CITY OF ST LOUIS, MISSOURI

Judge or Division: ELIZABETH BYRNE HOGAN	Case Number: 2322-CC09423
Plaintiff/Petitioner: MARC BRANDAN ELLIOT	Plaintiff's/Petitioner's Attorney/Address: MARC BRANDAN ELLIOT 5655 PERSHING AVE APT 529 ST LOUIS, MO 63112
Defendant/Respondent: HBO HOME ENTERTAINMENT CORP	Court Address: CIVIL COURTS BUILDING 10 N TUCKER BLVD SAINT LOUIS, MO 63101
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December 1, 2023

Date

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Clerk

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- I am authorized to serve process in civil actions within the state or territory where the above summons was served.
- My official title is _____ of _____ County, _____ (state).
- I have served the above Summons by: (check one)
 - ☐ delivering a copy of the summons and petition to the defendant/respondent.
 - ☐ leaving a copy of the summons and petition at the dwelling house or usual place of abode of the defendant/respondent with _____, a person at least 18 years of age residing therein.
 - ☐ (for service on a corporation) delivering a copy of the summons and petition to _____ (name) _____ (title).
 - ☐ other: _____

Served at _____ (address)
 in _____ County, _____ (state), on _____ (date) at _____ (time).

Printed Name of Sheriff or Server

Signature of Sheriff or Server

Subscribed and sworn to before me this _____ (day) _____ (month) _____ (year).

I am: (check one)

- ☐ the clerk of the court of which affiant is an officer.
- ☐ the judge of the court of which affiant is an officer.
- ☐ authorized to administer oaths in the state in which the affiant served the above summons. (use for out-of-state officer)
- ☐ authorized to administer oaths. (use for court-appointed server)

(Seal)

Signature and Title

MISSOURI CIRCUIT COURT TWENTY-SECOND JUDICIAL CIRCUIT (CITY OF ST, LOUIS)

MARC ELLIOT

Plaintiff(s) / Petitioner(s)

v.

HBO HOME ENTERTAINMENT CORP. a Delaware corporation; JEHANE NOUJAIME, an individual; KARIM AMER, an individual; THE OTHRS, LLC, a Florida limited liability company; THE OTHRS LICENSING CORP., a Florida corporation; The Square, LLC, a New York limited liability company; ISABELLA CONSTANTINO, an individual; JOHN DOES 1-10

Case No.: 2322-CCO9423

Defendant(s) / Respondent(s)

AFFIDAVIT OF SERVICE

I, RICHARD CECCE, being duly sworn, state:

I am 18 years or older and not a party to this action or a member of a corporation or organization that is a party to this action.

I served the following documents to The Sqaure LLC in Delaware County, NY on December 6, 2023 at 1:13 pm at 74 Main St, Delhi, NY 13753 by personal service by handing the following documents to an individual identified as The Sqaure LLC.

Alias Summons, Complaint, and Exhibits

Additional Description:

Lisa Wisely was personally served 12/06 at 1:13 pm. She is white, female, 54 years old, 5'06", 150 lbs, brown hair, glasses, no military.

White Female, est. age 54, glasses: Y, Brown hair, 140 lbs to 160 lbs, 5' 3" to 5' 6".

Photograph: See Exhibit 1



Signature
Name: RICHARD CECCE
Phone: 607-434-6173

Subscribed and sworn to before
me this 8th day of

December, 2023, by

RICHARD CECCE

Witness my hand and official
seal.



Notary Public

My commission expires:
09/08/2027

SARA CECCE
NOTARY PUBLIC-STATE OF NEW YORK
No. 01CE6330110
Qualified in Delaware County
My Commission Expires September 08, 2027



UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

Marc Elliot

Plaintiff,

v.

HBO HOME ENTERTAINMENT GROUP, a delaware corporation; JEHA
NOUJAIME, an individual; KARIM AMER, an individual; THE
OTHS, LLC, a Florida limited liability company; THE OTHS
LICENSING CORP., a Florida corporation; THE SQUARE, LLC, a
New York limited liability company; ISABELLA CONSTANTINO, an
individual; JOHN DOES 1-10

Defendant,

Case No. 4:23-cv-1611

ORIGINAL FILING FORM

**THIS FORM MUST BE COMPLETED AND VERIFIED BY THE FILING PARTY
WHEN INITIATING A NEW CASE.**

☐ THIS SAME CAUSE, OR A SUBSTANTIALLY EQUIVALENT COMPLAINT, WAS
PREVIOUSLY FILED IN THIS COURT AS CASE NUMBER _____
AND ASSIGNED TO THE HONORABLE JUDGE _____.

☐ THIS CAUSE IS RELATED, BUT IS NOT SUBSTANTIALLY EQUIVALENT TO ANY
PREVIOUSLY FILED COMPLAINT. THE RELATED CASE NUMBER IS _____ AND
THAT CASE WAS ASSIGNED TO THE HONORABLE _____. THIS CASE MAY,
THEREFORE, BE OPENED AS AN ORIGINAL PROCEEDING.

☒ NEITHER THIS SAME CAUSE, NOR A SUBSTANTIALLY EQUIVALENT
COMPLAINT, HAS BEEN PREVIOUSLY FILED IN THIS COURT, AND THEREFORE
MAY BE OPENED AS AN ORIGINAL PROCEEDING.

The undersigned affirms that the information provided above is true and correct.

Date: 12/15/2023

/s/ Joseph E. Martineau
Signature of Filing Party

Exhibit

B

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Marc Elliot

(b) County of Residence of First Listed Plaintiff St. Louis City, MO
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

DEFENDANTS

Home Box Office, Inc. (incorrectly sued as "HBO Home Entertainment Corp."); Jehane Noujaim; Karim Amer; The
County of Residence of First Listed Defendant New Castle, DE
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

Lewis Rice LLC
600 Washington Ave, Suite 2500
St. Louis, MO 63101

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input checked="" type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
28 U.S.C. sections 1441, 1332

Brief description of cause:

Violation of rights to privacy and/or publicity and civil conspiracy under state law through production and/or distribution of documentary series

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

in excess of \$75,000

CHECK YES only if demanded in complaint:

JURY DEMAND:

☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

Dec 15, 2023

SIGNATURE OF ATTORNEY OF RECORD

/s/ Joseph E. Martineau

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Exhibit

C

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I. (a) **Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) **County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) **Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. **Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here. United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. **Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. **Nature of Suit.** Place an "X" in the appropriate box. If there are multiple nature of suit codes associated with the case, pick the nature of suit code that is most applicable. Click here for: [Nature of Suit Code Descriptions](#).
- V. **Origin.** Place an "X" in one of the seven boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation – Transfer. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407.
- Multidistrict Litigation – Direct File. (8) Check this box when a multidistrict case is filed in the same district as the Master MDL docket.
- PLEASE NOTE THAT THERE IS NOT AN ORIGIN CODE 7.** Origin Code 7 was used for historical records and is no longer relevant due to changes in statute.
- VI. **Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service.
- VII. **Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. **Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.